

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 209 of 1985

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

D.S. VASAVADA

Versus

CHAIRMAN, GUJ. ELECT. BOARD.

Appearance:

PARTY-IN-PERSON for Petitioners

MR MD PANDYA for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 01/10/96

ORAL JUDGEMENT

1. Although there are two petitioners, subject matter of the petition centres around the grievance of petitioner no.2, because petitioner no.1 is the Hon. Executive Committee Member of the Power Engineers Association, which is a registered Trade Union. Petitioner no.2 was appointed as a Junior Engineer in August 1978. By order dated 7th January 1985 petitioner

no.2 was promoted to the post of Deputy Engineer (E & M). Petitioner no.2 started functioning as Deputy Engineer (E&M) since January 16, 1985, as mentioned in Annexure C to the petition.

2. This petition was filed on 18th January 1985 on an apprehension that petitioner no.2 will not be permitted to work as a Deputy Engineer in view of the alleged verbal instructions of respondent nos 1 and 2. The petition was, therefore, filed for challenging the action of the concerned authorities i.e. respondents nos.1 and 2 in giving verbal instructions to respondent no.3 for not permitting the petitioner no.2 to work as a Deputy Engineer. It is also prayed that the respondents be directed to permit respondent no.2 to work as a Deputy Engineer with effect from 16th January 1985.

3. When the petition came up for first hearing this Court issued notice and thereafter passed ad interim order dated 24th January 1985 directing the respondents to permit the petitioner (No.2) to work as a Deputy Engineer. The petition was thereafter admitted and the ad interim relief was continued and confirmed.

4. When the petition came up for hearing today, Mr.M.D.Pandya, learned Counsel for the respondents has stated that petitioner no.2 has been functioning as a Deputy Engineer and is not going to be prevented by any verbal instructions as apprehended by the petitioners.

5. In view of the aforesaid statement, the petition does not survive and is disposed of accordingly. Rule is discharged with no order as to costs.

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